

1st of February, 1850, asking for a divorce, *a vinculo matrimonii*, upon the grounds in said bill set forth. It may turn out that the grounds upon which the interposition of the court is asked in the original bill, are not sufficient, even if established by the clearest proof, to entitle the party to a decree dissolving the marriage, though, in that event, a qualified divorce may be granted, if the causes proved be sufficient to entitle the complainant to that relief, as provided by the 3d section of the act of 1841, ch. 262. After the defendant had answered this bill, which he did in March, 1850, the complainant filed an amended and supplemental bill, charging the defendant with adultery, and repeating the complaint of cruel usage towards herself. This last bill was filed on the 24th of April, 1850, and on the 10th of the following month, the defendant put in his answer denying the charge of cruelty, and adultery, as alleged against him. A commission then issued, under which numerous depositions were taken, and the cause being about to be brought to a hearing in Baltimore County Court, upon the suggestion of the complainant, filed on the 28th of December last, it was transferred to this court, where, according to the rule, it will stand for hearing at the ensuing March term. It was in this posture of the case that the present petition was filed, on the 4th day of the past month, and I cannot help feeling, in some degree, the influence of the observations of the defendant's counsel, founded upon the circumstances which have been narrated. It is certainly somewhat remarkable, that a petition for immediate alimony and for money to carry on the suit, should have been withheld until the suit is nearly ready to be heard upon the merits, when a final disposition may be made of the whole matter.

The general rule is clear and undisputed, that the wife, in these cases, is a privileged suitor, and that the court, without inquiring into the merits, and whether she be plaintiff or defendant, will allow her alimony, *pendente lite*, and a sum for carrying on the suit. The rule is believed to be almost universal, to allow a destitute wife, who has been abandoned, or is living apart from her husband, temporary alimony, and the